



SECOND INTERIM REPORT OF THE ATTORNEY GENERAL ADVISORY COMMITTEE

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DEPARTMENT OF LAW & PUBLIC SAFETY
STATE OF NEW JERSEY**

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of the Attorney General Advisory Committee**

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INTRODUCTION

This Attorney General Advisory Committee was formed in 2001 to provide counsel and advice on various policy issues when requested by the Attorney General.

In January 2002, the Committee issued its first interim report suggesting that efficient operation of the criminal justice system would be enhanced by increasing the planning and oversight capacities of the Office of the Attorney General. The recommendation was consistent with the broad authority of the Attorney General, as the state's chief law enforcement officer, to coordinate enforcement of criminal laws on a statewide basis.

This Second Report addresses three important law enforcement issues: intelligence; the handling of appeals; and police training. The report is the result of numerous meetings of the Committee and the invaluable assistance of Dr. Charles Rogovin, Temple University and Dr. Craig Fraser, Maximus, and formerly with the Police Executive Research Forum.

EXECUTIVE SUMMARY

I. Intelligence

The Committee recommends the formation of a new unit in the Attorney General's Office to be called the Information and Intelligence Group. The Group will be the repository of all intelligence information in the state and shall separate the process of collecting information from the tasks involved in the analysis and dissemination of relevant material. This initiative shall maximize the Attorney General's ability to gain a more comprehensive perspective on the pressing law enforcement issues such as terrorism, organized crime and corruption. It will also facilitate prompt distribution of reliable information to the Division of Criminal Justice, State Police, Office of Counter Terrorism and other state and local law enforcement agencies.

II. Appeals

The Committee recommends reinstatement of the practice of centralizing governmental response to criminal appeals in the Division of Criminal Justice.

In the 1970's, the Appellate Section of the Division had responsibility for handling such appeals in 20 of the State's 21 counties. Thereafter, appeals from Essex County, the lone county handling its own criminal appeals, were partially centralized as well. Unfortunately, monetary and other considerations caused the process to lose its centralized focus. Currently, the County Prosecutor's offices largely handle their own criminal appeals.

Centralization of the appellate function will provide the State with lawyers who specialize in appellate advocacy and thus improve the quality of the work product. Importantly, it will also facilitate a coordinated uniform decision making process in determining what legal issues should be brought to the attention of appellate courts and what should not. Since appellate rulings on particular points of law will impact law enforcement across the State as a whole, a decision on whether to seek review should not be made individually by each of the twenty-one County Prosecutors. Centralization is required and the Attorney General's Office is the place to lodge the responsibility. Parenthetically, the wisdom of centralization has been recognized by the federal Government. The Office of the Solicitor General in the Department of Justice controls the appellate process for all of federal law enforcement. The office determines what appeals will be pursued by the Department and the United States Attorneys and identifies the attorney personnel to handle those appeals.

III. Police Training

The final recommendation of the Committee is to centralize and modernize criminal justice training (both pre-service and in-service) for all law enforcement agencies in New Jersey.

Consolidation of training for State level law enforcement agencies (including Corrections, Juvenile Justice, Criminal Justice and State Police) in a single "Academy" will save costs and improve quality. Integration of the Police Training Commission into this Academy apparatus will permit prompt development, revision and distribution of uniform curricula to academies around the State which train local police.

To implement centralized training effectively, we believe New Jersey must adopt the modular approach to organizing training. Modular training will exempt those who

have achieved advanced skill levels from repeating basic training while permitting standardized investigative techniques to be taught, and advanced training to be customized, to specific law enforcement needs. Modular training can incorporate adult education principles which utilize demonstrative training techniques. For efficiency and cost effectiveness, a “distance learning” approach should also be installed. This would permit students to train and take courses at remote locations through use of video conferencing, the internet, CD-ROM technology, and Computer Situational Training Systems.

INFORMATION AND INTELLIGENCE IN NEW JERSEY

Recommendation

The Attorney General should create and oversee an Information and Intelligence Group (“IIG”), whose job it will be to collect, analyze and interpret data. Such a group will facilitate the development of sound and informed strategies to address developing public safety issues. Not only will the IIG work with criminal justice agencies, but also with agencies involved with health, insurance, and environmental protection. The IIG would provide the Attorney General with a centralized, specific source of all pertinent intelligence information, criminal justice or otherwise, allowing him to develop proactive programs and policies, thereby making law enforcement more effective throughout the State.

Introduction

As the State’s chief law enforcement officer, the New Jersey Attorney General has a wide array of law enforcement powers and responsibilities. Among other things, the exercise and discharge of those powers and responsibilities depends upon the development of reliable information upon which to base law enforcement decisions and actions. The effectiveness of the Attorney General - and State law enforcement agencies generally - would be significantly enhanced by an improved “intelligence” capacity, a function central to prosecuting and deterring public corruption, to preventing terrorist acts, and to countering organized criminal enterprise.

We recommend that all existing State intelligence functions be consolidated into a new unit to be created in the Department of Law and Public Safety - the “Information and Intelligence Group” - whose Director shall report directly to the Attorney General.

The unit should employ both traditional and new techniques to maximize the development and dissemination of reliable analytical products.

Intelligence has historically meant gathering and analyzing information about organized crime, public corruption, gangs, drug networks, and other types of criminal activity to develop knowledge: of criminal trends, tendencies and activities; of how criminal enterprises are organized; and of the identities of those involved in crime. Unfortunately the intelligence process for years had a tactical focus. A correlative focus on strategic issues is long overdue.

“Intelligence” is both a process and a product of that process. As a process, it includes the directed and focused collection of information and the organization of that information. As a product, it constitutes the conclusions reached after evaluation and analysis of the information - i.e after the wheat has been separated from the chaff and thus after the data has been sufficiently refined to constitute a reliable base upon which to devise tactical and/or strategic responses to emerging public safety concerns. There is a critical distinction between intelligence information and an intelligence product because only after information is evaluated and analyzed can there be an intelligence product.

In several respects, New Jersey agencies have manifested a better understanding of the intelligence process than other jurisdictions and, to some extent, have taken positive steps toward developing effective intelligence programming. However, in New Jersey, as is the case nationally, intelligence activities have been fragmented and their value and importance not adequately recognized. In addition, they have never received adequate resources and have never enjoyed the sustained benefit of informed direction and leadership.

Centralization of the function under the Attorney General will supply such direction and leadership. It will also permit better and more coordinated use of intelligence products on a statewide basis. Centralized direction will permit desirable improvements to the process, including analysis of the risk of disclosing sources and methods if tactical action is to be undertaken.

Approaches to gathering, reviewing and disseminating intelligence have recently been, and are still being reassessed. Police professionals are looking to a new model, termed “intelligence-led policing” or “information-driven policing”. The new model is future oriented or predictive and seeks to combine the best elements of traditional practices with new techniques.

Adopting such a model for policing in New Jersey by combining a variety of techniques on a centralized basis will provide the opportunity to enhance the effectiveness of law enforcement and other agencies of government and appropriately involve other elements or the private sector. The approach will also be helpful in stemming the growing tide of public corruption and ethical deterioration in the conduct of New Jersey public officials. Key features of the new approach should include: focused information collection; high-caliber analysis of collected information; maximization of information sharing among law enforcement agencies; and the development of proactive law enforcement responses to budding emerging of on-going public safety issues.

The IIG should be structured as follows:

Mission:

The mission of the Office of the Attorney General, Information and Intelligence Group (IIG) would be to gain a comprehensive perspective on the problems of

crime, disorder, terrorism, and public corruption in New Jersey and to provide intelligence to the Attorney General, to the units that report to the AG including the Divisions of Criminal Justice, State Police, and Office of Counter Terrorism and to other state and local law enforcement agencies with a need to act on such information. The IIG would not conduct investigative operations. Part of its central role would be to ensure that all information collection is conducted with the utmost regard to the Constitutions of New Jersey and the United States and in compliance with all applicable laws and regulations.

Users:

The Attorney General and the Department of Law and Public Safety would be the primary consumers of the products of the IIG; there would also be a number of secondary consumers including other criminal justice agencies at various levels. Local and county police and sheriffs' agencies in New Jersey, county prosecutors, and corrections agencies (probation and parole, county and state jails) are all potential users of IIG products. Law enforcement agencies in other states and in the federal government may also find IIG a useful source of intelligence.

Other possible consumers would include other "regulatory" agencies (non-criminal justice) such as agencies responsible for public health, insurance, and the environment. Intelligence developed by the IIG may also serve to support strategic initiatives including new legislative proposals originating from the executive branch, establishing general governmental priorities, and supporting directives issued by the AG.

Direction:

Direction for the activities of the IIG should come from the AG and from the Division heads in the Department of Law and Public Safety. The Attorney General should ensure that constant monitoring of the IIG takes place to ensure that civil rights are observed throughout the information gathering, analysis and intelligence dissemination process. An additional source of direction would come from the IIG itself. To some extent it should be self-starting and initiate inquiries based on knowledge of its stakeholders as well as its own perception of emerging threats.

The IIG should exhibit a clear bias for recommendations for action. Its analyses should be designed to include recommendations for active intervention in the problems discovered. The IIG should produce both strategic and tactical products. It must be willing to abandon unproductive inquiries, or outdated foci. It should avoid collecting information in a particular area just because there is a long history of doing so. The operations of the IIG must be subject to ongoing management review so that it is faced with continuous questions about whether the tactical intelligence it supplies results in successful operations and whether the strategic intelligence it supplies is of value to top-level decision makers. Such feedback loops must be built into the system at the outset.

Structure:

The Information and Intelligence Group should be established as a centralized capability within the Department of Law and Public Safety with overall responsibility for the collection, analysis and dissemination of information and intelligence related to terrorism, organized crime, gangs, drug activity, public corruption and unorganized crime in New Jersey. Such a structure is possible

at the state level in New Jersey because of the central role of the Attorney General. The IIG should merge all information and intelligence operations into a single entity.

1. The IIG should be directly responsible to the Attorney General. Its Director should sit on the Department of Law and Public Safety's Senior Executive Group so that information and intelligence play a key role in the overall management of the Department. One of the IIG's first tasks should be to develop a detailed mission statement and a code of ethics to govern and guide all its activities and the actions of its members.
2. The IIG should be organized to include a collection section and an analysis section, each headed by a deputy director.
3. The analysis section should be composed of four bureaus: anti-terrorism, organized crime (including drug trafficking), gangs, and un-organized crime (which would include a focus on public corruption.). Although each group should have separate staff and each should be headed by an assistant director, there should be structured, daily interaction between the analysts. Each bureau should have a group of analysts focusing on strategic issues and a group focusing on tactical issues. In total, the analysis section should have a central core of expertise that covers virtually the entire range of criminal and criminal extremist activity.
4. Similar to the intelligence operations of the Royal Canadian Mounted Police, the analysis section should provide the Attorney General and the department's senior managers with a wealth of finished, current intelligence, not only on the nature and extent of criminal activity in New Jersey and regionally, but also on emerging trends and the future of

crime. Such assessments will provide the foundation for strategic planning. The Attorney General and Law and Public Safety managers will have the benefit of both a broad and a long view of terrorist threats in New Jersey as well as of crime and its social, economic and political implications.

5. The types of analyses performed might include assembling burglary reports from several places across the state and discovering a pattern of thefts of chemicals used in bomb-making or, perhaps, as the precursors for designer drugs. Some work may provide clearer links between gangs and gangs members. More extensive information analysis may enhance operations against cigarette smuggling. Linking licensee information with organized crime intelligence might provide clues as to where new money laundering activity is taking place.
6. Strategic assessments will encourage proactive, long term policy and strategy development as opposed to mere reacting to developing situations with little understanding of their meaning or context.
7. Using information and intelligence products produced in this manner will mean that enforcement efforts will focus on the most pressing and urgent terrorism, crime and disorder problems, an essential consideration in a time of shrinking financial, human and material resources.
8. Intelligence analysts will be mostly civilian with, perhaps, some sworn members. This is necessary to provide the continuity demanded by an effective information and intelligence program. Analysts will be hired to bring specific skills and aptitudes that are, in many respects, more relevant to the nature of strategic intelligence than a patrol or

investigative background. Analysts should have basic and advanced academic degrees, represent a variety of disciplines and display a wide variety of language skills to mirror those in New Jersey.

9. Because the effectiveness of the IIG will be dependent on its personnel a number of steps will be needed to overcome the traditional lower status which sworn and enlisted personnel ascribe to civilians.
 - Civilian analysts should be paid salaries comparable to those earned by their sworn and/or enlisted peers.
 - Civilians should hold ranks equivalent to those in the sworn and enlisted divisions of the Department of Law and Public Safety.
 - IIG analysts should be encouraged to seek out and explore emerging issues and to examine little known but potentially important aspects of existing criminal activity, as well as focus on their information and intelligence priorities.
10. The core staffing for the Collection Section should be sworn and enlisted personnel drawn from the New Jersey State Police, the Division of Criminal Justice; and some assigned local and county police officers. This latter group could include qualified officers assigned to regular positions and others assigned on a temporary, or “special assignment” basis.
11. Collectors should be assigned geographically, on a county basis. Some might be assigned to a single county based on population, others on a multi-county basis depending on population density. The role of

collectors would include liaison with other agencies (agency size may be another determinant of assignments).

12. The IIG should have the flexibility to assign/reassign people as needed to collect and analyze information on newly emerging problems. Some contracting process should be established so that new people with expertise in new problem areas or additional language capability could be recruited quickly.
13. Within the IIG there should be career ladders to provide effective collectors and analysts with the opportunity for advancement and to plan on long term assignment in the information and intelligence operation. Rotation between IIG bureaus should occur on a periodic, but staggered, basis.
14. Continuing training and education for analysts and collectors should be an established priority. Partnering with universities to conduct training on collection and analysis should be explored.
15. Information will be obtained by collectors from a wide range of sources; governmental, including criminal justice and non-criminal justice agencies at state, county and local levels, criminal and non-criminal informants, corporate and commercial interests, and from Federal Agencies. Collectors will have regular information reporting requirements as determined by the analytical sections and special collection requirements will be levied when new problems are recognized or presented. As noted earlier, collection activity will be a focused and directed program rather than a disorganized regime of ad hoc individual efforts.

16. Substantial data mining should take place to detect previously unknown patterns and problems.
17. Analytical products should be issued frequently. These should not only be statements of problems but should also provide recommendations for action. Prior to distribution they should be vetted by the AG, or his designate outside the IIG structure, to act as a check and balance. Some products may go to Law and Public Safety action teams, others to local agencies, and still others directly to the AG for action. Obviously, the strategic or tactical character of an Intelligence product will likely dictate the appropriate dissemination direction.
18. Periodic review of the IIG mission statement should be carried out to guarantee that it is both responsive to the needs of the Attorney General and of other agencies and Departments of State, County and local governments.

New Jersey has an opportunity to create a sophisticated, effective intelligence process to contend with the range of criminal problems currently confronting the State as well as those problems about which we presently know little, if anything. In doing so, however, we offer a cautionary note. That is, with the recruitment and assignment of a cadre of skilled intelligence officers to the collection function, inevitably some persons will view such people as an “elite” or “special” investigative unit and attempt to employ them in the making of cases for prosecution. In doing so the collectors will become competitive with traditional investigators. Nothing could be more destructive of the enterprise we have described and recommended here, or more counter-productive to the objectives we have defined. Creation and direction of an IIG must be the province of persons with an informed view of the process of Intelligence who can operate without the blinders of traditionalism.

Action Plan

- 1.) The Attorney General create a working group/Task force composed of Department of Law and Public Safety personnel, representatives of relevant departments and agencies and knowledgeable consultants.
- 3.) The working group/Task force would develop a detailed model for the IIG.
- 2.) The Task Force would also define training needs for personnel and articulate an initial Mission Statement and Code of Ethics for IIG employees and associates.

STATEWIDE CENTRALIZATION OF APPELLATE FUNCTION

Recommendation

For years, appellate functions in the 21 New Jersey counties operated independently of each other. This process was ineffective and contrary to the goals of the State. Centralization of the Appellate function in the state was accomplished in the 1970's in the Appellate Section of the Division of Criminal Justice. Budgetary and other problems ended this initiative and the process reverted to what it had been before.

We urge a return to the 1970's model. Through the centralization of appellate functions in the Division of Criminal Justice, the State can maintain a coordinated, “single-voice” approach to various law enforcement issues. Centralization will also foster specialization for appellate lawyers, allowing for aggressive pursuit of legal decisions that will further the State’s law enforcement goals and strategies. While an Appellate Bureau already exists within the Division of Criminal Justice, funds must be allocated to increase the staff to levels needed for the expanded role the bureau will undertake.

Introduction

Prior to the adoption of the Criminal Justice Act of 1970 (N.J.S.A. 52:17B-97 et seq.), the State of New Jersey was represented by each of the 21 county prosecutors on individual criminal appeals. The appellate function was ancillary to the more traditional functions of prosecutors' offices, namely, investigations and trials.

In 1970, the Appellate Section (currently, the Appellate Bureau) of the Division of Criminal Justice began operations with a limited staff of six attorneys, and

gradually formalized its functions with the addition of personnel. Over the years, the Appellate Section assumed responsibility for the handling of all criminal appeals in 20 of the State's 21 counties, with only the Essex County Prosecutor's Office handling its own criminal appeals (although, for a brief time, under Appellate Section supervision).

The inferior quality of appellate advocacy at the county level prompted the move toward statewide centralization. The problem grew particularly acute in appeals involving novel issues and requiring extensive research. As a result, courts became increasingly critical of both the untimely submission and unsatisfactory quality of appellate briefs. More important, the fractionalized and piecemeal handling of appeals by each county resulted in conflicting positions on significant issues of statewide importance. There was a lack of communication between prosecutors, and no system for central guidance or for the sharing of resources and experience. These weaknesses led to bad results and unnecessary duplication - in short, an inadequate representation of the State's interests in criminal appellate litigation.

Shortly after passage of the Criminal Justice Act, the Attorney General took note of these deficiencies and determined that such shortcomings could not satisfactorily be resolved merely by providing advice or indirect supervision. The centralized handling of all criminal appeals by a staff of appellate specialists within the Division of Criminal Justice was considered the most effective solution. This function was assumed pursuant to the discretionary authority granted to the Attorney General by N.J.S.A. 52:17B-107, and was designed to promote uniformity and efficiency.

Advantages of Centralization

Centralization, when fully implemented, provides the following benefits:

1. A significant improvement in the quality of the State's representation in the prosecution of criminal appeals (and recognition of that improvement by the courts, the Attorney General and the prosecutors);
2. The development of a statewide perspective on significant current legal issues, affording greater opportunities to litigate strategically and greater opportunities to develop the State's position and mold the criminal law in furtherance of formulated policy goals;
3. Specialization by the appellate staff has improved the quality of work, fostered a coordination of efforts and promoted a uniform approach to law enforcement problems that previously was lacking;
4. Concentration of resources, permitting the rapid retrieval of information, and eliminating duplication and wasted effort;
5. The emergence of a centralized appellate staff has facilitated greater communication between law enforcement authorities and with the judiciary, in effect, serving as a "brain trust" for the prosecution that is more familiar with developments in the criminal law than the average prosecutor or law enforcement officer. This experienced appellate staff is able to support the work of trial and investigative teams by providing critical legal advice.

6. The creation of a centralized appellate staff under the control of the Attorney General facilitates central training and coordination of staff. Effective appellate advocacy is a specialty that requires knowledge and skills that can best be imparted by specialized training.

It is important to note that, as an adjunct to centralization of the appellate function within the Division of Criminal Justice, the 21 county prosecutors' offices need to maintain a strong level of appellate capability. Over the years, the counties have produced an impressive pool of appellate lawyers and centralization should not eliminate the need for that talent. These lawyers continue to be needed for work on interlocutory appeals, emergent appellate matters, difficult trial motions and other matters of special interest to the counties, as well as to serve as critical points of contact with DCJ attorneys. The Division of Criminal Justice should exercise supervision over these activities.

At various points during the 33-year history of the Division of Criminal Justice, the staffing levels of the Appellate Bureau have ebbed and flowed. At no point, however, was centralization ever finally completed: even at its "high water mark," with a staff of 45 Deputy Attorneys General, the Appellate Section never centrally handled all of the appeals from Essex County, the largest producer of criminal cases by far in the State. Instead, for a few years in the late 1970's, the Appellate Section, pursuant to the terms of a federal grant, exercised supervisory authority over Essex County. Under this arrangement, briefs were prepared by Assistant Prosecutors but reviewed by the Appellate Bureau, and DCJ appellate personnel periodically met with Essex County Prosecutor's Office criminal appellate lawyers.

In calendar year 2002, criminal defendants filed 1561 appellate briefs in the State of New Jersey. For the same time period, the Appellate Bureau filed 1034 briefs. The Bureau referred other appeals to county prosecutors' offices for handling. Due to

bureau staff shortages, the current referral rate to the county offices is nearly 50% of all criminal briefs filed. The Bureau began the year 2002 with 36 DAsG and ended the year with 33. This attrition has continued: currently, there are only 31 DAsG in the Appellate Bureau.

At present, as in the past, the success and continuity of appellate centralization has largely been a function of financial resources. The Appellate Bureau's existing personnel levels are insufficient for this purpose. In order to meet the projected requirements of statewide centralization, the Appellate Bureau will have to hire a minimum of an additional 30 deputies to handle appeals full-time. At a starting salary of \$50,000, this would cost the State an additional \$1.5 million. Of course, a percentage of these hires would require substantially higher compensation to facilitate the employment of experienced appellate litigators who not only could handle complex cases, but offer quality supervisory guidance to less-experienced staff attorneys. While the financial expenditure is substantial, the many benefits of a centralized appellate function to the criminal justice system make this a worthwhile, indeed, critical investment. To the extent that budgetary considerations prevent immediate full-scale implementation, centralization should be phased in over time.

There is clear precedent for the effectiveness of a centralized appellate staff. In the United States Department of Justice, the Office of the Solicitor General provides a model as to how well a cadre of appellate specialists can perform. The Solicitor General's Office has established a reputation over the years as the premiere appellate operation in the country. It has created and maintained standards of excellence which our State's centralized Appellate Bureau emulates.

One of the Solicitor General's critical functions is the approval process for the filing of appeals of judicial rulings adverse to the prosecution. The Solicitor General determines whether, and to what extent, appeals will be taken by the federal

government to the appellate courts. All appeals, including interlocutory appeals, must be authorized by the Solicitor General. The Solicitor General also makes the determination whether to file an amicus brief or intervene in a particular appeal.

At the State level, such an approval process already exists to a degree (albeit informally) between the Division of Criminal Justice's Appellate Bureau and the county prosecutors' offices. Most of the county offices regularly consult with the Bureau about the prospects and desirability of appealing a decision adverse to the State. Nevertheless, there have been instances where prosecutor's offices have filed appeals without notice to, or consultation with, the Division of Criminal Justice.

A centralized approval process is critical to the efficient and uniform litigation of the State's criminal justice interests. Therefore, this safeguard should formally be implemented. The Attorney General, as chief law enforcement officer, should officially promulgate a statewide requirement that the Division of Criminal Justice Appellate Bureau approve all state prosecutorial appeals to the state and federal appellate courts.

Action Plan

- 1.) Allocate \$1.5 Million in the next budget to pay for the salaries of the additional staff needed to handle the increased workload.
- 2.) Begin task training new lawyers in the appeals process.
- 3.) Target 2006 for all appeals to handled by the Division of Criminal Justice Appellate Bureau.

CENTRALIZED LAW ENFORCEMENT TRAINING

Recommendation

New Jersey has the opportunity to create a dramatically different and improved approach to training state and local criminal justice personnel. The proposal to construct a new state training facility offers the potential to break from old training models dependent mostly on lectures to large classes to a training model designed to better provide the skills, knowledge and abilities needed for effective prevention and control of crime, violence, terrorism, and disorder in New Jersey. At the core of the proposal is the creation of the New Jersey Police Professional Learning Center. The Center will serve as the central facility for the State Police and other state level law enforcement agencies to conduct basic and in-service training. It will also provide a central location for the research and development of cutting edge law enforcement education. Curricula can be planned, implemented, updated and designed for delivery in the most effective and efficient manner, taking full advantage of information technology. The Center can be the hub of a New Jersey Policing Network, with the Center linked to county police academies, local police stations, and even home computers of law enforcement officers, to deliver on-line training of all kinds. Embedding adult education principles in all criminal justice and law enforcement in New Jersey is the third component of the new training approach. All newly assigned state and local police investigators could be required to complete the basic investigations course and be certified as an investigator. Advanced modules could be developed for specialized training for such topics as homicides, sex crimes, white collar crimes, and other crimes which require specialized knowledge. Technology can be used to enhance training and deliver it without always having to bring people to a central location.

Current Police Training in New Jersey

Over 35,000 people are currently employed in New Jersey as police officers (state, county and local), state and county investigators, corrections officers, parole and probation officers, and assistant county prosecutors and deputy attorneys general.

The general supervision and oversight of the system of law enforcement professionalism is vested with the Attorney General as stipulated in the Criminal Justice Act, N.J.S.A. 52:17B-97 et seq. The Division of Criminal Justice is responsible for achieving uniform and efficient enforcement of the criminal law and administration of the criminal justice system in the state. This system allows the Attorney General to work cooperatively with the 21 county prosecutors, the New Jersey State Police and all other State, county and local law enforcement agencies in providing a variety of supervisory, technical and training services.

The Attorney General, through the Division of Criminal Justice and in conjunction with the county prosecutors, sheriffs and police chiefs, is also responsible for the development, implementation and enforcement of guidelines and standard procedures for law enforcement agencies throughout the state. These guidelines and procedures often serve as the basis for updating in-service training requirements.

Primary responsibility for training of law enforcement personnel belongs to the Police Training Commission (PTC), established by the Police Training Act, N.J.S.A. 52:17B-66. The PTC is responsible for maintaining pre-service (basic) and in-service training standards for state (New Jersey State Police not included in Act), county and local police officers and county prosecutor's detectives and investigators.

The Attorney General chairs the Police Training Commission and the Division of Criminal Justice provides staff for the development, implementation and enforcement of training standards for those officers affected by the Police Training Act.

The PTC is responsible for the development and certification of basic training courses for county and local police, sheriff's officers, State and county investigators, State and county correction officers, juvenile detention officers, and a number of other law enforcement positions, as well as several instructor development courses. Training courses are revised and updated on an ongoing basis as necessitated by legislation, court decisions, advances in technology and the state of knowledge regarding law enforcement practices.

Commission staff are responsible for the certification of training course curricula, training course instructors, trainees, and academies authorized to conduct any of the 34 PTC-certified training courses. Moreover, PTC staff develop operational guidelines to implement applicable training standards, monitor the operation of all PTC certified academies, review all trainee injuries, and investigate possible violations of the Police Training Act or PTC rules occurring during authorized training courses. The PTC also hears appeals involving challenges to decisions regarding, for example, trainee dismissals from PTC-certified courses, training waivers, and drug screening practices of PTC-certified academies.

Certified police training courses are provided through a network of training facilities, including those at Sea Girt operated by the New Jersey State Police, New Jersey Division of Criminal Justice and the Department of Corrections, and 19 PTC certified county and municipal police academies.

The Sea Girt Training site is home for several State directed training centers. Training academies are operated by the Division of State Police for the training of state

troopers, the Division of Criminal Justice (DCJ) for the training of Division of Criminal Justice investigators, county prosecutors, and juvenile correction officers employed by the Juvenile Justice Commission, the Department of Corrections for State corrections officers, and the Department of Military and Veteran's Affairs for National Guard troops. Recently, the Port Authority of New York and New Jersey had conducted training programs at this site. The Division of State Police is also authorized to operate separate PTC approved pre-service training programs for local law enforcement officers.

The only exception to this system of certification over law enforcement training in the State is the administration of pre and in-service training for state troopers within the Division of State Police. The Division of State Police training requirements are monitored by its training Bureau independent of oversight by the PTC (see N.J.S.A. 53:1-27). The Division of State Police Training Bureau oversees the performance of a number of training activities. A 26-week residential program is required for all recruits. Mandatory in-service training for all troopers is coordinated by the Training Bureau. Examples of such training include annual firearms and physical fitness testing as well as required training under consent decrees or other initiatives. Finally, specialized training for certification unique to specialized job duties or other professional development activities are also performed by the Training Bureau.

Proposed Centralized Training Approach

This new approach should revolve around three key design components: appropriate centralization, modular organization and the embedding of adult education principles in all curriculums.

One dimension of centralization could be creating a single efficient administrative and development operation for all state level criminal justice and law enforcement training. All state agency training—corrections, juvenile justice, criminal justice, and state police—could be consolidated with significant costs savings and quality improvement. A single administrative apparatus would provide overall direction, oversight, scheduling and registration, record keeping, and financing and budgeting functions. A single body of skilled training personnel would work together so that all state level training can draw from their expertise. This group would have professionally educated curriculum design specialists, course and curriculum evaluators, and distance learning and multimedia experts to serve all state level training audiences. This central academy staff could maintain a web site that contains a catalogue of all courses available in the state with an on-line registration component. By creating a centralized administrative and development services staff, with a staff size appropriate to match the work that needs to be performed, the state’s criminal justice and law enforcement training will be more efficient and effective.

This centralized unit would benefit New Jersey’s network of local police academies because it could offer greater direction and support. By incorporating the Police Training Commission into the central academy, course revisions and updates can be quickly developed and distributed throughout the state. The central academy could then train and certify instructors in newly revised courses to ensure that trainees are taught critical skills in a standard way at the “best practice” level. The growing use of inter-agency police task forces to address a wide range of crime problems mandates the need for equally skilled and appropriately trained officers to enhance both operational effectiveness and officer safety. Achieving a single high standard is best accomplished through the consistent delivery of centrally designed training.

Centralization also can result in the creation of common courses that can be used by all law enforcement agencies in New Jersey. For example, the Division of

Criminal Justice's course for basic investigation should be used not only to train CJ personnel and investigators working for the county prosecutors but also to train newly assigned state and local police investigators. Similarly, those newly hired criminal justice investigators without a police background should be trained in basic police procedures by the state police or through a local police academy. Common courses for all entry level New Jersey criminal justice employees can be developed at a high quality standard. A centralized staff can research the best methods to convey critical skills not only in use of force, driving and defensive tactics methods but also constitutional law, civil rights, and anti-racial profiling techniques.

The same institution could serve to standardize training for prosecutors across the state. New prosecutors could receive initial certification. Current prosecutors could get both standard and specialized in service course work through the central source.

Effective centralization partly depends on the adoption of a modular approach to training organization. This requires redesigning training in New Jersey. Training should be focused on ensuring that students master the skills, knowledge, and abilities needed to be a high performer in a variety of criminal justice jobs. Those at an advanced skill level should not have repeat basic training if they can satisfactorily demonstrate they have maintained the required skills.

For example, the state police require all new trooper candidates to go through their entire pre-service academy. By using a modular concept, entry level training could be divided into two modules, each composed of a different set of skills development. The first module could be composed of training lessons designed to ensure that students master basic police skills. The second module could be composed of the discrete skills that are specific to the state police mission and role – such things as intensive traffic control, traffic enforcement, and crash investigation. Trainees who

come to the state police having served in other law enforcement agencies could undergo a certification and testing process to demonstrate that they can perform basic police skills. They would not be required, if they passed the certification and test, to attend the module teaching basic police skills. They would only undergo additional training in the New Jersey State Police specific skills module. Creating this type of modular training could boost lateral entry into the State Police and make it easier to attract high quality minority and female candidates.

Investigators hired by the Division of Criminal Justice and by county prosecutors could be trained through a similar modular process. Candidates with prior law enforcement experience, if they meet certification and testing standards for basic police skills, would start formal training in basic investigative techniques and skip basic police training. Those with no prior police experience could be trained to master basic police skills via the state police course and then would advance to the module that teaches basic investigation skills.

The basic investigation module could be used to improve the quality of investigations across the state. Requirements might vary depending on where an investigator is assigned. Those investigators assigned to the state's Division of Criminal Justice might be required to master white collar crime investigation techniques; those assigned to a county prosecutor's office might undergo training in robbery and/or homicide investigations. Local investigators could attend burglary and auto theft courses. Modules may differ depending on the types of crimes most frequently investigated if they vary by urban, suburban, or rural county. Properly designed, a modular approach can provide cost effective training, standardize investigative techniques and allow customization depending on the nature of the work a group of investigators needs to do.

Centralization and a modular approach to curriculum design can foster an increased sense of professionalism by those who work in New Jersey criminal justice and law enforcement organizations. There should be an increased identification to the profession rather than to a single organization. Good policing and investigations should occur regardless of an individual's organization. By creating a focus on the skills required for good policing, and for good investigations, training for high performance does not need to be organization-specific. Other modules can be developed for special job skills that are needed as part of an organization's unique mission and role, if necessary.

Adult education principles commonly include:

- Virtually all of the activities in a course are practical and problem centered;
- Participants are engaged in the learning process through an interactive approach;
- Discussion and group activities are used to help create a supportive educational environment;
- Instructors demonstrate practical applications of the skills and knowledge gained and students have multiple activities to practice them;
- The logic and sequence of class activities reinforce the lessons learned;
- Instructors clearly convey to the students how material and concepts learned fit together as a package; and,

- Students are allowed opportunities for self-appraisal, use of skills learned, and to give evaluation/feedback to the instructor.

The Royal Canadian Mounted Police (RCMP) epitomize the use of adult education in their cadet training program. Their approach shifts the source of stress from an external drill instructor to each cadet internally. Cadets must demonstrate that they have mastered the body of knowledge, skills, and abilities required to be a high performing police officer. Very little lecture is used. Discussion, simulations, and scenario role playing are essential to the (RCMP) approach. By the middle of the course of instruction, cadets get one second chance to perform correctly or they are dismissed. The combination of adult education techniques and performance based learning has developed substantially better Mounties, according to RCMP field research.

Scenario-based training also offers enhanced opportunities to deal with constitutional law and civil rights. Trainees can be put into a wide variety of situations that enable them to understand and treat diverse populations without bias.

Extensive distance learning should be incorporated in a revised New Jersey training approach. Video conferencing and production of interactive computer programs (either networked or on DVD'S) should be core components of New Jersey's training delivery system.

The success or failure in our ability to meet the training needs of the law enforcement community in many ways will rest with our ability to deploy adequate technology. Use of state-of-the-art technology will be the key to delivering and offering the various courses mandated by the role the law enforcement officer plays in today's complex society. To meet this challenge, an infrastructure must be developed without boundaries in order to deliver the training to a convenient location at the times that

today's flexible schedules require. Students must have the ability to take courses in remote locations through video conferencing, be able to access course materials via the internet, have access to specialized training delivered by CD-ROM technology, have access to specialized Computer Situational Training Systems, have access to individual laptop computers and to be able to acquire refresher courses at the local station of assignment. These and other new technologies are available and must be incorporated into local stations, and consolidated training academy environments.

The central networking of this on-line training can provide benefits, including course content, and self-paced learning. It will provide management with enhanced record keeping for officer training, and offer greater flexibility to schedule training and refresher courses consistent with work requirements. An adult-based learning model with video conferencing to enhance participation will allow remote learners to share the experience, properly scheduled and structured, and will build stronger working relationships among co-workers.

Centralization, modular organization, and adult learning principles offer New Jersey the opportunity to substantially improve the knowledge, skills, and abilities not only of state criminal justice employees but also for those trained at regional and local academies. Central academy staff will be able to develop the best courses and distribute them for decentralized delivery. The central staff can create instructor development courses to help instructors become proficient in using the adult education principles and techniques that will be embedded in all training. This system offers the opportunity to improve the skill, knowledge and abilities of both for hires and existing employees at all levels of the New Jersey criminal justice system. The needs of New Jersey to battle 21st Century crime, terrorism, violence, and disorder require a high quality, highly skilled criminal justice workforce. This new approach to training can help ensure our people have the skills and knowledge to match their commitment and dedication to making New Jersey safer and more secure..

Action Plan

The Attorney General establishes a working group with Departmental staff as well as County Police Academy Directors, to identify current availability and needed resources to advance the principles of:

- 1.) Professional curriculum development.
- 2.) Adult based learning.
- 3.) Application of high-tech tools
- 4.) PTC Certification and contemporary standards for all courses